

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-CR-10237-NG
)	
JONATHAN MATOS and RAMON DIAZ,)	
Defendants.)	

ANSWER TO JURY QUESTION #1

Possession: The term possess means to exercise authority, dominion or control over something. The law recognizes different kinds of possession. Possession includes both actual and constructive possession. A person who has direct physical control of something on or around his person is then in actual possession of it. A person who is not in actual possession, but who has both the power and the intention to exercise control over something is in constructive possession of it. Whenever I use the term possession in these instructions, I mean constructive as well as actual possession.

At the same time, mere association with another person who is controlling a substance is not enough to comprise actual or constructive possession of it.

Possession also includes both sole possession and joint possession. If one person alone has actual or constructive possession, possession is sole. If two or more persons share actual or constructive possession, possession is joint. Whenever

I have used the word possession in these instructions, I mean joint as well as sole possession.

SO ORDERED.

Dated: June 1, 2006

s/ NANCY GERTNER, U.S.D.J.